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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,569	12/17/2001	Hsing-Tung Wang	112.P55011	6245

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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/015,569	Applicant(s) WANG ET AL.	
	Examiner Houshang Safaipoor	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

HP

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1.

Drawings

a. The drawing (fig. 6) is objected to under 37 CFR 1.83(a) because it fails to show that the spreading plate 332 is positioned between the lamp 330 and the reflective plate 331, as described in the specification (page 6 lines 3-6). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: On page 1, line 11 of the third paragraph, lamp 130 has been referred to as lamp 131.

Appropriate correction is required.

3.

Response to Arguments

The only argument presented by the applicant is that the cited prior art (Lu US 6,046,826) fails to disclose existence of a reflector plate between the upper surface of the device and the light-emitting source. This argument is moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2,4-8,11-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Chiang et al. (US 5,535,021).

For claim 1, which is representative of claim 15 and 20, Applicant's admitted prior art discloses an apparatus comprising:

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a scanner upper portion having an upper surface (figs. 1A & 1B);

a light emitting element 130 disposed on said scanner upper surface (figs. 1A & 1B);

Although AAPA uses a reflector for reflecting the light rays, it does not explicitly disclose that such reflector has an aperture formed on a first predetermined position and is placed between the upper surface and the light source. Chiang discloses a light diffuser to be used in image scanners, as shown in fig. 1. The diffuser consists of light source 28 and the reflector 32 (above light source 28, fig. 1) with apertures 37 formed thereon (col. 4, lines 49-61). Chiang further discloses that this diffuser may be positioned in a scanner housing or scanner body in the same manner as conventional light source (col. 5, lines 51-57). Therefore, it would have been obvious to a person of ordinary skill in the art to install Chiang's light diffuser into the upper shell 11 of the conventional scanner disclosed by AAPA (fig. 1A) for uniform distribution of light intensity. By this installation, the reflector plate 37 would be positioned between the light source and the upper surface.

AAPA and Chiang are combinable because they are from the same field of endeavor.

Regarding claim 2, AAPA discloses wherein said light-emitting element comprises a lamp (Ref. 160; Fig 2B).

For claim 4-5, which is representative of claims 18 and 22-23, Chiang teaches wherein said reflective plate substantially comprises an arc (fig. 1, col. 5 line 17).

For claim 6, Chiang discloses that the aperture comprises a central part, a first end and a second end (fig. 1, col. 5 lines 13-22).

Considering claim 7, Chiang teaches wherein said aperture substantially comprises an elongated shape (fig 1).

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Regarding claim 8, which is representative of claim 21, AAPA, as part of other conventional transparency discloses a spreading plate (fig. 2B, light conducting member 161) that when used with combination of AAPA and Chinag will be disposed between said light-emitting elements and said reflective plate. (As noted above, in section 1, there is a discrepancy between the specification and the drawing).

For claim 11, Chiang teaches a protective plate disposed on said scanner upper surface for protecting said apparatus (fig. 8A).

Regarding claim 12, the use of LED as a light source in the scanning art is well known and routinely implemented in the art.

Considering claim 13, which is representative of claim 16, AAPA discloses a scanner lower portion coupled to said scanner upper portion (fig. 1A).

Regarding claim 14, AAPA teaches wherein said scanner upper portion and said scanner lower portion substantially comprises a scanning device housing (fig. 1A).

Considering claim 17, Chiang teaches wherein said aperture is adapted to not reflect the light produced by a light source of said scanner (fig. 1, col. 5 lines 13-22).

For claims 19 and 24, Chiang discloses at least two apertures formed on the plate (fig. 1, apertures.37).

Regarding claim 25, Chiang discloses wherein at least a portion of the one or more apertures comprise a first end, a center portion and a second end, wherein the center portion of the aperture is wider than one of the first and second end (fig. 1).

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Regarding claim 26, AAPA discloses the apparatus as claimed in claim 1, wherein said upper surface is in a direction opposite that of said first surface from the light-emitting element (fig. 1A).

Regarding claim 27, please refer to the rejection under claim 1. It should be added that the apertures 37 are considered as non-reflective portion of the reflective plate.

Regarding claim 28, the apertures 37 are considered as non-reflective portion of the reflective plate (fig. 1 of Chiang).

5. Claims 9-10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Chiang and further in view of Kito et al (US 6,864,998). Applicant's admitted prior art in view of Chiang discloses the apparatus as discussed above.

For claim 9, Kito teaches wherein said spreading plate includes a plurality of perforations (Col 14 Lines 7-26).

The suggestion/motivation for combining Kito with Chiang would have been for the added benefit of flexibility.

Considering claim 10, Kito discloses wherein said spreading plate is adapted to distribute at least a portion of the light emitted by said light emitting element (Col 14 Lines 7-26).

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Applicant's admitted prior art in view of Chiang & Kito are combinable because they are from the same scope of nature, apparatus with a light source.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Chiang and Kito with Applicant's admitted prior art. The suggestion/motivation for doing so would have been to cover the rays passing through.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Houshang Safaipoor
Patent Examiner
October 16, 2007

A handwritten signature in black ink, appearing to read 'H. Safaipoor', written diagonally across the page.